

**REMARKS:**

In response to the Office Action mailed July 20, 2007, Applicant has amended claim 1 in clarification. Claims 15-24 have been canceled. New claims 25 and 26 have been added. No new matter has been added. Reconsideration of the application in amended form is respectfully requested.

**Restriction Requirement**

Applicant hereby confirms with traverse the provisional election of Invention I, including claims 1-14.

**Rejection of Claims 1-2, 4-5, 7 and 11 under 35 U.S.C. §102(b)**

Claims 1-2, 4-5, 7 and 11 were rejected as being anticipated by U.S. Patent No. 6,312,540 to Moyes. The Moyes patent is owned by the same assignee as the present application. Therefore, Applicant is fully familiar with this reference and the extent of its disclosure.

Moyes discloses a method of manufacturing a molded door skin from a blank of wood composite material. The blank 10 disclosed by Moyes “is formed by pressing a relatively thick, non-solid wood fiber mat or bat into a solid flat door skin 10”, which is then reformed into molded skins 7 and 9. See Col. 5, lines 17-21. Moyes further states that “flat blank 10 is preferably a wood composite, such as medium density fiber (MDF) board or hard board, bound together with thermal setting resin.” Col. 5, lines 59-62.

By contrast, the method of the present invention calls for deforming a *plywood* board, wherein the plywood board has at least one ply of solid natural wood. The composite blank disclosed by Moyes is formed from a mat of wood fiber and a thermal setting resin, and is not comparable to a plywood board. A “plywood board” and a

“wood composite blank” are terms known by those skilled in the art and have very different properties, as discussed in the Background of the Invention of the present application:

Generally, plywood is composed of several wood layers, which are called plies or veneers. The **plies are solid wood, and may be formed from a slice or “peel” off a solid wood log.** The plies are then bonded together with an adhesive resin and pressed into a flat sheet. The plywood sheet may also include a combination of veneers and a lumber or composite core.

Plywood has exteriorly disposed layers or **plies that are natural, solid wood.** Therefore, plywood provides the qualities and appearance of a solid piece of wood.

See Specification, page 2, lines 18-22; page 5, line 22-23 (emphasis added).

Molded wood composite boards that **do not include any solid, natural wood plies, such as medium density fiberboard (MDF), chipboard, oriented strandboard (OSB), hardboard, softboard, particleboard, and the like, are well known in the art.** ... Wood composite door skins may be **formed from a relatively thick non-solid mat or bat of material**, which is thereafter compressed in a press to a relatively thin, final thickness. The mat can be produced from either dry or wet fibers. If the mat has a very high water content, the water may be squeezed out during the pressing operation.

Specification, page 3, lines 16-23 (emphasis added).

Moyes does not disclose or suggest deforming a plywood board. Rather, Moyes provides for post-forming a wood composite blank (e.g. medium density fiberboard).

Indeed, the method disclosed by Moyes is specifically discussed in the Background of the Invention of the present application:

Attempts to reform, or “post-form”, a flat pressed wood composite blank into a molded blank having contoured portions have had varying results. For example, methods for reforming a wood composite blank are disclosed by Moyes in U.S. Patent Nos. 6,312,540 and 6,079,183, the disclosures of which are incorporated herein by reference and the assignee of which is the assignee hereof. Wood composite blanks are comprised of reconstituted wood fibers that have been broken down into small wood chips and/or wood fiber particles. These particles are bonded together with a synthetic resin to form the composite blank.

Specification, page 4, lines 13-20. While post-forming methods using MDF or other composites blanks, such as disclosed by Moyes, provide some advantages, the resulting surface quality of the finished door skin does not resemble natural solid wood, as noted by Applicant:

Flat composite boards having relatively small wood fiber particles are easier to reform than composite boards having larger wood fiber particles. Generally, as the size of the wood fiber particles decreases, the surface quality of the reformed article increases. For this reason, post-forming quality and performance decrease from MDF to chipboard to OSB, which contain wood fiber particles that are increasingly large, respectively. ...

[T]he resulting surface quality of such wood composite articles lacks the appearance of natural wood, especially the color, grain and/or knot patterns that are considered desirable by many consumers. If a natural appearance is desired, a wood veneer, paper overlay or foil may be bonded to the surface of the article.

Specification, page 5, lines 3-8 & 14-18.

Moyes discloses the use of MDF or other similar fiber composite bound together using synthetic resin. In addition, Moyes provides for the use of melamine impregnated crepe paper or phenolic resin crepe paper disposed over the exterior surface of the resulting door skin. See Col. 4, lines 65-67. As discussed in the present application, the use of a paper overlay, as disclosed by Moyes, may be time consuming, can produce an unacceptable product if great care is not taken in the application of the materials, and can substantially increase manufacturing costs. See Specification, page 5, lines 18-21.

Given Moyes fails to disclose deforming a plywood board, it cannot anticipate any of claims 1-14. Therefore, Applicant respectfully requests withdrawal of these rejections. New claims 25 and 26 both depend from amended claim 1, and therefore likewise define over the art of record.

**Rejection of Claims 3, 6, 8-10 and 12-14 under 35 U.S.C. §103(a)**

Claims 3, 6, 8-10 and 12-14 were rejected as being obvious over Moyes. All of these claims depend from amended claim 1. Therefore, Applicant submits that these claims likewise define over Moyes for the reasons set forth above, given Moyes neither discloses nor suggests a method of deforming a plywood board, as set forth in amended claim 1.

In addition, the Examiner asserts either that Applicant has not disclosed that the subject matter of these claims provides an advantage, or that the claimed subject matter would be mere design choices. Applicant respectfully traverses these assertions. The specification specifically discusses the disadvantages of prior art methods:

Although embossed luan door skins are known in the art, attempts to mold luan or other types of plywood to have contoured features, such as rails, stiles and panels, have not been successful.

Specification, page 3, lines 13-15.

Reformed wood composite boards formed from wood composites, such as MDF, chipboard, OSB, hardboard, softboard, and particleboard, (i.e. wood composites that do not include a solid, natural wood ply as in plywood) provide some advantages over standard molded articles and flush articles that have been formed from the non-solid mat of material. ... However, the resulting surface quality of such wood composite articles lacks the appearance of natural wood, especially the color, grain and/or knot patterns that are considered desirable by many consumers. If a natural appearance is desired, a wood veneer, paper overlay or foil may be bonded to the surface of the article. However, the application of veneers, papers and foils is often time consuming, and, especially in the case of papers and foils, can produce an unacceptable product if great care is not taken in the application of the materials. This increases the manufacturing cost of such articles.

Specification, page 5, lines 9-21.

[B]ecause of the structure and properties of the solid wood layers, conventional methods of reforming plywood have failed to achieve commercially acceptable products. ...

Attempts to reform plywood have failed due to the natural properties of the solid wood layers comprising plywood ....

Specification, page 6, lines 1-2 & 11-12.

Conclusions asserting a mere design choice or failure to show an advantage are contrary to the specification disclosure. Moreover, the Examiner points to no interrelated

teachings of multiple patents or the background knowledge possessed by a person having ordinary skill in the art as support for such conclusions. *See KSR*, 127 S.Ct at 1740-41, 82 USPQ2d at 1396; *see also In re Kahn*, 441 F.3d at 988, 78 USPQ2d at 1336 (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”). As such, a *prima facie* case of obviousness has not been made.

Moreover, Applicant submits that the remarks herein overcome any assertion of obviousness, particularly in light of the specific disclosure of the application cited above. An applicant may overcome a *prima facie* case of obviousness by establishing that the claimed invention achieves unexpected results relative to the prior art. *See In re Peterson*, 315 F.3d 1325, 1330 (Fed. Cir. 2003), citing *In re Geisler*, 116 F.3d at 1469-70, 43 USPQ2d at 1365.

Applicant respectfully requests withdrawal of the rejections of claims 3, 6, 8-10 and 12-14.

**Request for Interview**

Applicant respectfully request withdrawal of all rejections, and allowance of pending claims 1-14 and 25-26 in light of the arguments and amendments herein. Should further clarification be required, the Examiner is invited to contact the undersigned by telephone.

In addition, Applicant requests a personal interview prior to issuance of another Office Action. Attached is an Interview Request Form, indicating the proposed date of

interview to be determined. Applicant requests that the Examiner contact the undersigned by telephone to determine a date and time convenient to the Examiner.

**Conclusion**

Applicant respectfully requests withdrawal of all rejections and allowance of the pending claims in light of the remarks and amendments herein. However, should the Examiner maintain any of the rejections, Applicant requests that the Examiner contact the undersigned to schedule a personal interview prior to issuance of another Office Action.

A Request for Extension of Time for one (1) month is attached, along with the requisite fee. It is believed that no other fees are due with this submission. Should that determination be incorrect, then please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,



William C. Schrot

**Berenato, White & Stavish, LLC**  
6550 Rock Spring Drive, Ste. 240  
Bethesda, Maryland 20817  
Telephone: (301) 896-0600  
Facsimile: (301) 896-0607